



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Hung Le,
Assistant Purchasing Agent
(PM0015W), Woodbridge

CSC Docket No. 2019-197

Examination Appeal

ISSUED: September 6, 2018 (RE)

Hung Le appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Assistant Purchasing Agent (PM0015W), Woodbridge.

The subject examination announcement was issued with specific requirements which had to be met as of the January 22, 2018 closing date. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any title, and who met the announced requirements of possession of a Bachelor's degree, and four years of experience in the writing of purchase specifications and in the purchase of equipment, materials and supplies in a large government or private agency. Applicants who did not possess the required education could substitute additional experience as indicated above on a year for year basis with thirty semester hour credits being equal to one year of experience. The examination was canceled on July 25, 2018 since there were no eligible applicants.

The appellant indicated that he possessed a Bachelor's degree, and he listed one position on his application, Purchasing Assistant, from June 2012 to the January 2018 closing date. Official records indicate that the appellant was provisionally appointed pending promotional examination to Assistant Purchasing Agent on May 9, 2017. Prior to that he was a Keyboarding Clerk 2 from July 2015 to May 2017, and a Clerk 1 from September 2012 to July 2015. Agency Services did not credit the appellant with any applicable experience.

On appeal, the appellant contends that he has five years of purchasing experience, and has written bid specifications, implemented laws, rules and regulations, and supervised clerical staff. In support, the appointing authority indicates that the appellant possesses a Qualified Purchasing Agent License, and that he began working full-time as an Assistant Purchasing Agent in September 2012.¹ It states that the appellant supervises staff, contributes to the development of purchasing rules, and trains employees in purchasing practices.

It is noted that the appellant applied for and was admitted to the promotional examination for Keyboarding Clerk 2 (PM2079T), Woodridge that had a closing date of October 21, 2015. On his application for that examination, the appellant indicated his provisional service as a Keyboarding Clerk 2 and Clerk 1. The appellant described the performance of a variety of clerical duties in support of purchasing.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides, in pertinent part, that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination. Initially, the appellant did not accurately list his titles and dates of service on his application, and the duties for the one position on the application that he did list were copied from the job specification. Applicants are required to list the actual duties they perform on their original application in order for Agency Services to determine if it provides the necessary experience to establish eligibility for an examination. Thus, descriptions of experience that mimic the required duties listed on the job specification rather than describe actual responsibilities while serving in a particular position, in the absence of any corroborating information, is not considered acceptable experience.

It is noted that qualifying experience has the announced experience requirement as the primary focus of the position. That is, the announced experience should be the main duty of the listed position. On appeal, the appellant states that he has written bid specifications, along with implementing laws, rules and regulations, and supervising clerical staff. Aside from the fact that the subject title is not a supervisory title, these duties are not sufficient to determine that the appellant performs the required duties. In addition, the appointing authority has not stated that the appellant writes purchase specifications and purchases equipment, materials and supplies. Additionally, the announced requirements are out-of-title

¹ According to agency records, the appellant was appointed as a Clerk 1 in 2012.

duties for Keyboarding Clerk 2 and Clerk 1. Moreover, the appellant provided his application for Keyboarding 2 (PM2079T) and his description of his duties on that application do not support the appointing authority's assertion that the appellant has been doing the duties of an Assistant Purchasing Agent since commencing employment with Woodbridge.

At this point, it appears that the appellant's provisional position may be misclassified. Therefore, the appellant and appointing authority should complete the attached Position Classification Questionnaire (PCQ) and Application for Qualifying Examination (Request for Pre-Appointment Evaluation) and submit them Agency Services within 30 days of the issuance date on this decision. If it is determined that the appellant's provisional position should be reclassified, should the appellant be found not eligible for the new provisional appointment, he should be returned to his regular prior-held title at that time. Otherwise, since the appellant does not meet the minimum qualifications for the title, he should be returned to his regular prior-held title immediately upon receipt of this decision.

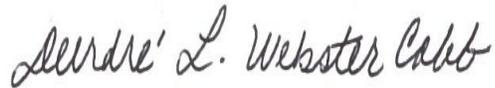
An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and the appellant's position undergo a classification review.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 5th DAY OF SEPTEMBER, 2018



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Attachments

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